

# **EXHIBIT “A”**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONONDAGA**

X

JOSEPH FANTACONE, on behalf  
of himself and all others similarly situated,

Plaintiff,

v.

Index No.:

**SUMMONS**

SIMM ASSOCIATES, INC. and  
JOHN AND JANE DOES 1-10,

Defendants.

X

To the above-named Defendant:

Plaintiff designates  
ONONDAGA COUNTY  
as the place of trial

The basis of the venue is  
Plaintiff's residence

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

File # 12522993

Act #: T08317693118-619-002

Turnstile

Date Served: 9/16/2020  
Time Served: 3:20  
Server: SB  
4875985

Page 1 of 13

Dated: August 21, 2020

s/Alla Gulchina

Alla Gulchina

Alla Gulchina  
Francis R. Greene  
STERN•THOMASSON LLP  
150 Morris Avenue, 2nd Floor  
Springfield, New Jersey 07081  
Telephone (973) 548-0123  
E-mail: Francis@SternThomasson.com  
E-mail: Alla@ SternThomasson.com

Simon Goldenberg  
LAW OFFICE OF SIMON GOLDENBERG PLLC  
818 East 16th Street  
Brooklyn, New York 11230  
Telephone: (347) 640-4357  
E-mail: simon@goldenbergfirm.com

*Attorneys for Plaintiff, Joseph Fantacone*

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF**

JOSEPH FANTACONE,

Plaintiff/Petitioner,

- against -

SIMM ASSOCIATES, INC. et al.

Index No. 005262/2020

Defendant/Respondent.

**NOTICE OF ELECTRONIC FILING  
(Mandatory Case)  
(Uniform Rule § 202.5-bb)**

**You have received this Notice because:**

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

**• If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

**• If you are not represented by an attorney:**

**You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.**

**If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.**

**The benefits of participating in e-filing include:**

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

**To register for e-filing or for more information about how e-filing works:**

- visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

**Information for Attorneys  
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site [www.nycourts.gov/efile](http://www.nycourts.gov/efile) ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov)).

Dated: September 3, 2020

Francis R. Greene

Name

Stern Thomasson LLP

Firm Name

150 Morris Avenue, 2nd Floor

Springfield, NJ 07081

Address

(312) 923-0886

Phone

Francis@sternthomasson.co,

E-Mail

To: SIMM ASSOCIATES, INC.  
c/o its Chief Executive Officer,  
Gregory L. Simendinger  
800 Pencader Drive  
Newark, DE 19702

2/24/20

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONONDAGA**

-----X

JOSEPH FANTACONE, on behalf  
of himself and all others similarly situated,

Plaintiff,

Index No.:

v.

SIMM ASSOCIATES, INC.,  
and JOHN AND JANE DOES 1-10,

**COMPLAINT-  
CLASS ACTION AND  
DEMAND FOR JURY  
TRIAL**

Defendants.

-----X

This action is brought by Plaintiff, JOSEPH FANTACONE against Defendants, SIMM ASSOCIATES, INC. (“SIMM”) and JOHN AND JANE DOES 1-10 (“DOES”), based on the following:

**I. PRELIMINARY STATEMENT**

1. Plaintiff brings this action individually and on behalf of all others similarly situated for the illegal practices of Defendants, when attempting to collect an alleged debt from him, in violation of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §§ 1692-1692p).

2. Such practices include attempting to collect consumer debts by engaging in conduct prohibited by, or failing to engage in conduct required by, the FDCPA.

3. The FDCPA regulates the behavior of “debt collectors” (including collection agencies, collection attorneys, debt buyers) when attempting to collect a consumer debt. Congress found “abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors” which “contribute to a number of personal bankruptcies, marital instability, loss of jobs, and invasions of individual privacy.” 15 U.S.C. § 1692(a). The

FDCPA was expressly adopted “to eliminate abusive debt collection practices by debt collectors, to ensure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote uniform State action to protect consumers against debt collection abuses.” 15 U.S.C. § 1692(e).

4. The FDCPA, at 15 U.S.C. § 1692c, prohibits when and with whom a debt collector may communicate when attempting to collect a debt and, at 15 U.S.C. § 1692b, limits communications with third parties to the collection of “location information.”

5. The FDCPA is a strict liability statute, which provides for actual or statutory damages upon the showing of one violation. The Second Circuit has held that whether a debt collector’s conduct violates the FDCPA should be judged from the standpoint of the “least sophisticated consumer.” *Clomon v. Jackson*, 988 F.2d 1314 (2d Cir. 1993).

6. To prohibit deceptive practices, the FDCPA, at 15 U.S.C. § 1692e, outlaws the use of false, deceptive, and misleading collection letters and names a non-exhaustive list of certain *per se* violations of false and deceptive collection conduct. 15 U.S.C. § 1692e(1)-(16). Among these *per se* violations are: false representations concerning the character, amount, or legal status of any debt, 15 U.S.C. §1692e(2)(A); the threat to take any action that cannot legally be taken or that is not intended to be taken, 15 U.S.C. § 1692e(5); and the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer, 15 U.S.C. § 1692e(10).

7. When collecting or attempting to collect a debt, the FDCPA bars a debt collector’s use of: (a) false, deceptive, or misleading means or representations; and (c) unfair or unconscionable means. 15 U.S.C. §§ 1692d, 1692e, and 1692f. Each of those Sections contain a

list of specific *per se* violations but they are nonexclusive and do not limit the general application of each Section's broad prohibitions.

8. When the collection process starts, the FDCPA requires a debt collector to provide a consumer with basic debt information and the consumer's right to debt-verification. 15 U.S.C. § 1692g.

9. When a debt collector fails to comply with the FDCPA "with respect to any person," it "is liable to such person in an amount equal to the sum of" "any actual damage sustained," "additional" or statutory damages, costs, and reasonable attorneys' fees. 15 U.S.C. § 1692k(a). Statutory damages are limited: a plaintiff may recover no more than \$1,000, and the class may recover up to \$500,000 or 1% of the debt collector's net worth, whichever it less. 15 U.S.C. § 1692k(a)(2)(A)-(B).

10. Plaintiff seeks, both individually and on behalf of all others similarly situated, such relief as is allowed under FDCPA including, without limitation, statutory damages, attorney fees and costs.

## II. PARTIES

11. FANTACONE is a natural person who at all times relevant to this lawsuit was a citizen of, and resided in, the City of Syracuse, Onondaga County, New York.

12. SIMM's is a for-profit company formed under the laws of the State of Delaware.

13. SIMM's principal place of business is located at 800 Pencader Drive, Newark, Delaware 19702.

14. SIMM's Chief Executive Officer is Gregory L Simendinger, 800 Pencader Drive, Newark, Delaware 19702.

15. DOES are sued under fictitious names as their true names and capacities are yet unknown to Plaintiff. Plaintiff will amend this complaint by inserting the true names and capacities of the DOE defendants once they are ascertained.

### **III. JURISDICTION & VENUE**

16. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1692k(d).

17. The Court has personal jurisdiction over Defendant pursuant to CPLR 301 and CPLR 302(a)(1) because Defendant transacts business within the state.

18. Venue is appropriate in Onondaga County pursuant to CPLR 503 and 509 because Plaintiff resides in Onondaga County.

### **IV. FACTS RELATING TO DEFENDANT**

19. SIMM regularly engages in the collection or attempted collection of defaulted consumer debts owed to others.

20. SIMM is a business, the principal purpose of which is the collection of defaulted consumer debts.

21. In attempting to collect debts, SIMM uses instruments of interstate commerce such as the mails, telephone, and the internet.

22. On information and belief, and based on advice of counsel, DOES are natural persons and/or business entities all of whom reside or are located within the United States who personally created, instituted and, with knowledge that such practices were contrary to law, acted consistent with, conspired with, engaged in, and oversaw the violative policies and procedures used by the employees of SIMM that are the subject of this Complaint. DOES personally control, and are engaged in, the illegal acts, policies, and practices utilized by SIMM and, therefore, are personally liable for all the wrongdoing alleged in this Complaint.

## V. FACTS RELEVANT AS TO PLAINTIFF

23. SIMM mailed, or caused to be mailed, a letter dated August 21, 2019 (the "Simm Letter") to FANTACONE.
24. A true and correct copy of the Simm Letter is attached as ***Exhibit A***, except that portions of the Letter are redacted.
25. On information and belief, the Simm Letter was mailed on or after the Letter's date.
26. The Simm Letter concerned charged-off student loans (the "Debt").
27. Sometime prior to August 21, 2019 the creditor of the Debt either directly or indirectly through intermediate transactions, assigned, placed, or transferred the debt to SIMM for collection.
- 28.
29. Upon information and belief, the Simm Letter was SIMM's first written communication to FANTACONE to attempt to collect the Debt.
30. The Simm Letter contended that FANTACONE owed the Debt.
31. The Debt arose out of one or more transactions in which the money, property, insurance, or services that were the subject of the transactions were primarily for personal, family, or household purposes, namely loans to pay for education.
32. The Simm Letter identified the client as GS2 Grantor Trust 2016-B.
33. The Simm Letter identified the school as: Cazenovia College.
34. The Simm Letter identified the "Balance" as \$5,497.95.
35. The Simm Letter failed to inform to FANTACONE that interest was accruing daily.

36. This is confirmed by a collection letter sent to FANTACONE by Credit Control, LLC approximately six months after the Simm Letter.

37. The Credit Control Letter, dated January 9, 2020, stated that the amount due at charge-off was \$4,777.46 and \$840.15 had accrued in "Interest" for a "Total Due" of \$5,617.61.

38. A true and correct copy of the Credit Control, LLC letter is attached as *Exhibit B*, except that portions of the Letter are redacted.

39. SIMM deprived Plaintiff of truthful, non-misleading, information in connection with SIMM's attempt to collect the Debt.

40. The least sophisticated consumer would improperly believe the balance on the Simm Letter was the final balance owed to SIMM.

## VI. CLASS ALLEGATIONS

41. The Simm Letter is a form letter. Specifically, the Simm Letter was created by merging electronically-stored information specific to the Debt (including but not limited to the addressee's name and address) with predetermined electronically-stored text and any graphics defined by a template, and printing the result. In effect, the Debt-specific information is used to populate the blanks in the template to produce the Letters.

42. SIMM's conduct is consistent with its policies and practices when attempting to collect debts from consumers. Consequently, this action is brought by Plaintiff, both individually and on behalf of similarly situated individuals, pursuant to NY CLS CPLR § 901.

43. ***Class Definition.*** Plaintiff seeks to certify a Class. The Class is defined as:

All natural persons to whom SIMM Associates, Inc. mailed a written communication in the form of *Exhibit A* to a New York address during the Class Period beginning on August 21, 2019 and ending on September 11, 2020 to collect a student loan debt.

44. Class members' identities are readily ascertainable from SIMM' business records.

45. **Class Claims.** The Class Claims are the claims which each Class member may have for any violation of the FDCPA arising from SIMM having sent a written communication in the same form as ***Exhibit A***.

46. This action has been brought, and may properly be maintained, as a class action pursuant to the provisions of NY CLS CPLR § 901 because there is a well-defined community interest in the litigation:

- (a) **Numerosity.** On information and belief, the Class are so numerous that joinder of all members would be impractical and includes at least 40 members.
- (b) **Common Questions Predominate.** Common questions of law and fact exist as to all members of the Class and those questions predominate over any issues involving only individual Class members because those questions concern the same conduct by Defendant with respect to each Class member.
- (c) **Typicality.** The claims of Plaintiff are typical of the Class members because those claims arise from a common course of conduct engaged in by Defendant.
- (d) **Adequacy.** Plaintiff will fairly and adequately protect the interests of the Class members insofar as he has no interests that are adverse to those of the Class members. Moreover, Plaintiff is committed to vigorously litigating this matter and has retained counsel experienced in handling consumer lawsuits, complex legal issues, and class actions.

47. Certification of a class under NY CLS CPLR § 901 is appropriate in that a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

48. Based on discovery and further investigation (including, but not limited to, disclosure by Defendant of Class size and net worth), Plaintiff may seek class certification: (a) only as to particular issues as permitted under NY CLS CPLR § 906, (b) using a modified definition of the Class, or the claims of the Class; and (c) a different Class Period.

## **VII. CAUSE OF ACTION FOR VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

49. The factual allegations in the preceding paragraphs are realleged and incorporated by reference.

50. SIMM is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

51. DOES are “debt collectors” as defined by 15 U.S.C. § 1692a(6).

52. The Debt is a “debt” as defined by 15 U.S.C. § 1692a(5).

53. FANTACONE is a “consumer” as defined by 15 U.S.C. § 1692a(3).

54. *Exhibit A* is a “communication” as defined by 15 U.S.C. § 1692a(2).

55. *Exhibit B* is a “communication” as defined by 15 U.S.C. § 1692a(2).

56. The use and mailing of *Exhibit A* by SIMM violated the FDCPA in one or more following ways:

- (1) Using a false, deceptive, or misleading representation or means in violation of 15 U.S.C. § 1692e;
- (2) Falsely misrepresenting the character, amount, or legal status of a debt in violation of 15 U.S.C. § 1692e(2)(A);

- (3) Using a false representation or deceptive means to collect or attempt to collect any debt in violation of 15 U.S.C. § 1692e(10); and
- (4) Using unfair means to collect or attempt to collect any debt in violation of 15 U.S.C. § 1692f; and
- (5) Failing to disclose the amount of the debt in violation of § 1692g(a)(1).

### **VIII. PRAYER FOR RELIEF**

57. WHEREFORE, Plaintiff demands judgment against SIMM. Specifically, Plaintiff requests entry of an Order:

- (1) Certifying that this action may be maintained as a class action pursuant to NY CLS CPLR § 901 including, but not limited to, defining the Class and the Class claims, issues, or defenses, and appointing the undersigned counsel as class counsel;
- (2) Awarding statutory damages to Plaintiff and the Class pursuant to 15 U.S.C. § 1692k(a)(2);
- (3) Awarding an incentive award to Plaintiff for his services on behalf of the Class;
- (4) Awarding attorney's fees, litigation expenses, and costs pursuant to 15 U.S.C. § 1692k(a)(3);
- (5) Awarding, to the extent the recovery of attorney's fees, litigation expenses, and costs pursuant to 15 U.S.C. § 1692k(a)(3) causes a negative tax consequence to Plaintiff and/or the Class, a sum sufficient to ameliorate such consequences; and
- (6) Providing for such other and further relief as may be just and proper.

**IX. JURY DEMAND**

58. Trial by jury is demanded on all issues so triable.

Dated: August 21, 2020

---

*s/Alla Gulchina*

Alla Gulchina

Alla Gulchina  
Francis R. Greene  
STERN•THOMASSON LLP  
150 Morris Avenue, 2nd Floor  
Springfield, New Jersey 07081  
Telephone (973) 379-7500  
E-mail: Francis@SternThomasson.com  
E-mail: Alla@ SternThomasson.com

Simon Goldenberg  
LAW OFFICE OF SIMON GOLDENBERG PLLC  
818 East 16th Street  
Brooklyn, New York 11230  
Telephone: (347) 640-4357  
E-mail: simon@goldenbergfirm.com

*Attorneys for Plaintiff, Joseph Fantacone*

To:

SIMM ASSOCIATES, INC.  
800 Pencader Drive, Newark, Delaware 10702

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONONDAGA**

-----X

JOSEPH FANTACONE, on behalf of himself  
and all others similarly situated,

Index No.:

Plaintiff,

v.

SIMM ASSOCIATES INC. and JOHN AND JANE DOES 1-10,

Defendants.

-----X

**SUMMONS AND COMPLAINT**

---

Stern Thomasson, LLP  
Law Office of Simon Goldenberg PLLC

Attorney(s) for

JOSEPH FANTACONE, INDIVIDUALLY AND ALL OTHERS SIMILARLY SITUATED  
Plaintiff

818 East 16<sup>th</sup> Street  
Brooklyn, NY 11230  
(347) 640- 4357

# EXHIBIT A

August 21 2019

**SIMM ASSOCIATES, INC.**

800 PENCADER DRIVE  
NEWARK DE 19702  
(866) 572-8791

CLIENT: GS2 Grantor Trust 2016-B  
SCHOOL: Cazenovia College  
BALANCE: \$5,497.95  
DEFAULT DATE: 12/04/2017  
ORIGINATION DATE: 08/28/2007  
ACCOUNT #: [REDACTED]

Dear Joseph Fantacone,

Your account with the above referenced client is in a default status. They have retained us to review your account and commence collection activity. Our client reserves the right to enforce against you some or all of the provisions contained in your credit agreement in accordance with the state and federal laws that apply to your student loan.

Clearly, SIMM Associates and our client would prefer to work with you rather than against you; however, you need to take the initiative to contact our office to notify us of your intentions. Call one of our associates at (866) 572-8791 or email us at [customerservice@simmassociates.com](mailto:customerservice@simmassociates.com). Our office hours are Monday through Friday 8am-9pm and Saturday 8am - 12pm Eastern Time.

By resolving this matter, you will make continued collection efforts unnecessary. Our demand for payment does not affect your right to dispute this debt.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume the debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Unless you dispute this debt, your payment should be made directly to this office for prompt credit to your account. Should you desire a receipt, please provide us a self-addressed stamp envelope. For payment options please see reverse side of this notice or visit our secure website at [www.simmassociates.com](http://www.simmassociates.com).

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

Money gram: Receive Code: 2800 City: Newark, DE	Overnight Mail: 800 Pencader Drive Newark DE 19702	Western Union Quick Collect: Code City: SIMM State: DE
Pay-by-Internet <a href="http://www.simmassociates.com/Payments-on-your-account/">www.simmassociates.com/Payments-on-your-account/</a>	Pay-by-Phone: TOLL FREE (866) 572-8791	

**\*\*Please See Reverse Side For Important Information\*\***  
**Detach Bottom Portion And Return With Payment**

Department # 119823  
PO Box 1259  
Oaks PA 19456

**PAY ONLINE**

[www.simmassociates.com/payments-on-your-account/](http://www.simmassociates.com/payments-on-your-account/)

Account #:	Balance:
12522993	\$5,497.95

Client: GS2 Grantor Trust 2016-B



4703 - 159



JOSEPH FANTACONE

SYRACUSE NY 13208-2447

SIMM ASSOCIATES, INC.  
P.O. BOX 7526  
NEWARK DE 19714-7526



**FILED: ONONDAGA COUNTY CLERK 08/21/2020 04:50 PM**

INDEX NO. 005262/2020

NYSCEF DOC. NO. 2

RECEIVED NYSCEF: 08/21/2020

<b>Money gram:</b> Receive Code: 2800 City: Newark, DE	<b>Overnight Mail:</b> 800 Pencader Drive Newark DE 19702	<b>Western Union Quick Collect:</b> Code City: SIMM State: DE
<b>Pay-by-Internet</b> <a href="http://www.simmassociates.com/Payment.htm">www.simmassociates.com/Payment.htm</a>	<b>Pay-by-Phone:</b> TOLL FREE (866) 572-8791	

**Opt-out Notice Description:** Checks received in our office may be electronically processed as an ACH transaction. This is a more secure process for our customers in that the check information cannot be seen by anyone after the payment is electronically converted. You may elect to not have your check processed electronically by checking the box provided on the front of this stub.

**New York State Residents:**

**(a) Prohibited Conduct Disclosure**

"Debt collectors, in accordance with the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to:

- The use or threat of violence;
- The use or obscene or profane language; and
- Repeated phone calls made with the intent to annoy, abuse, or harass."

**(b) Exempt Income Disclosure**

"If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt:

- Supplemental security income (SSI);
- Social security;
- Public assistance (welfare);
- Spousal support, maintenance (alimony) or child support;
- Unemployment benefits;
- Disability benefits;
- Workers' compensation benefits;
- Public or private pensions;
- Veterans' benefits;
- Federal student loans, federal student grants, and federal work study funds; and
- Ninety percent of your wages or salary earned in the last sixty days"

# EXHIBIT B

**FILED: ONONDAGA COUNTY CLERK 08/21/2020 04:50 PM**

INDEX NO. 005262/2020

NYSCEF DOC. NO. 3

RECEIVED NYSCEF: 08/21/2020

**Toll Free  
(800)-668-5715**

ONCRDC02  
PO Box 1280  
Oaks PA 19456-1280

ADDRESS SERVICE REQUESTED

**MAIL ALL CORRESPONDENCE TO:**

**CREDIT CONTROL, LLC**  
PO Box 188  
Hazelwood MO 63042-0188

JOSEPH FANTACONE

Syracuse NY 13208-2447

Date: January 9, 2020  
Our Account #: 5734093  
Amount Due: \$5,617.61

**\*\*\*Detach Upper Portion and Return with Payment\*\*\***

Current Creditor Name: GS2 GRANTOR TRUST 2016-B

Original Creditor Name: Sallie Mae Bank

Principal Amount Due: \$4,777.46

Interest: \$840.15

Total Due: \$5,617.61

Our Account #: 5734093

Current Creditor Account #: XXXXX-001

The above referenced account has been placed with this office for collection. Because of interest that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your payment, in which event we will inform you before depositing your payment.

- 1) The total amount of payments since the account was charged off is \$0.00.
- 2) The total amount of the debt due as of charge off is \$4,777.46.
- 3) The total amount of interest accrued since charge off is \$0.00.
- 4) The total amount of non-interest or fees accrued since charge off is \$0.00.

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

Unless you, within 30 days after receipt of this notice, dispute the validity of the debt, or any portion thereof, the debt will be assumed to be valid by this office. If you notify this office in writing within the 30-day period that the debt, or any portion thereof, is disputed, this office will obtain verification of the debt or a copy of a judgment against you and a copy of such verification or judgment will be mailed to you by this office. Upon your written request within the 30-day period, this office will provide you with the name and address of the original creditor, if different from the current creditor..

**PLEASE NOTE THAT YOU CAN PAY YOUR ACCOUNT BY CHECK OR CREDIT CARD OVER THE INTERNET BY CONTACTING US AT [payments2.credit-control.com](http://payments2.credit-control.com).**

Please note, Credit Control, LLC intends to report this account to the credit reporting agencies, which may reflect on your credit report(s) for as long as the law permits. This notice does not affect any rights you may have, and we will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the 30-day time period described in this letter.

27ONCRDC021-444762890

**PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

Credit Control, LLC • 7130 Goodlett Farms Parkway, Suite 110W • Memphis TN 38016

(800)-668-5715

Office Hours: 9:00 AM - 6:00 PM Monday - Thursday; 8:00 AM - 5:00 PM Friday

Secure online access to your account placed with Credit Control, LLC for collection is now available. Online account access will allow you to view your Amount Due, see your last payment amount and self-manage resolution of this debt.

Use the link below to go to the secure login screen where you can enter your personalized username and password. If you have not yet created your username login ID and password, click the New User link located on the login page and enter the information required to create your online account. Also, be sure to use your private access code provided here when managing your account. Your access code is: 2.3056993.467 Your Credit Control, LLC # is: D-2-5734093

This does not offset your rights as set forth above.

[payments2.credit-control.com](http://payments2.credit-control.com)

We are required under state law to notify consumers of the following rights. This list does not contain a complete list of rights consumers have under federal and state Law.

**FOR NEW YORK CITY RESIDENTS ONLY (PURSUANT TO THE REQUIREMENTS OF THE NYC DEPARTMENT OF CONSUMER AFFAIRS):**

Credit Control, LLC is licensed by the New York City Department of Consumer Affairs for:  
5757 Phantom Dr., Suite 330, Hazelwood, MO 63042 #2088093-DCA  
9929 Race Track Road, Tampa, FL 33626 #2088099-DCA  
8001 Woodland Center Blvd. Suite 200, Tampa, FL 33614 #2088105-DCA  
5555 Redwood Dr., Suite 120, Las Vegas, NV 89118 #2088116-DCA  
7130 Goodlett Farms Parkway, Suite 110W, Cordova, TN 38016 #2088117-DCA

Debt collectors, in accordance with the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to: a) the use or threat of violence; b) the use of obscene or profane language; and c) repeated phone calls made with the intent to annoy, abuse, or harass.

If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt: (1) Supplemental security income, (SSI); (2) Social security, (3) Public assistance (welfare); (4) Spousal support, maintenance (alimony) or child support; (5) Unemployment benefits; (6) Disability benefits; (7) Workers' compensation benefits; (8) Public or private pensions; (9) Veterans' benefits; (10) Federal student loans, federal student grants, and federal work study funds; and (11) Ninety percent of your wages or salary earned in the last sixty days.

As a consumer, you may at any time make a request for substantiation of this debt. Please include your name and account information as outlined on the enclosed letter and the date of the request. Substantiation requests may be mailed or faxed to:

Credit Control, LLC.  
PO Box 546  
Hazelwood, MO 63042  
or  
Fax: (856) 770-1024



## Department of State: Division of Corporations

Allowable Characters

**HOME**  
[About Agency](#)  
[Secretary's Letter](#)  
[Newsroom](#)  
[Frequent Questions](#)  
[Related Links](#)  
[Contact Us](#)  
[Office Location](#)

**SERVICES**  
[Pay Taxes](#)  
[File UCC's](#)  
[Delaware Laws Online](#)  
[Name Reservation](#)  
[Entity Search](#)  
[Status](#)  
[Validate Certificate](#)  
[Customer Service Survey](#)  
 Loading...

		Entity Details	
<b>THIS IS NOT A STATEMENT OF GOOD STA</b>			
<u>File Number:</u>	2271363	<u>Incorporation Date / Formation Date:</u>	8/16/1991 (mm/dd/yy)
<u>Entity Name:</u>	<b>SIMM ASSOCIATES, INC.</b>		
<u>Entity Kind:</u>	Corporation	<u>Entity Type:</u>	General
<u>Residency:</u>	Domestic	State:	DELAWA
<b>REGISTERED AGENT INFORMATION</b>			
Name:	GREGORY SIMENDINGER		
Address:	800 PENCADER DRIVE		
City:	NEWARK	County:	New Castl
State:	DE	Postal Code:	19702
Phone:			
Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00, more detailed information including current franchise tax assessment, current and more for a fee of \$20.00. Would you like <input type="radio"/> Status <input type="radio"/> Status,Tax & History Information			
<b>Submit</b>			
<a href="#">View Search Results</a>	<a href="#">New Entity Search</a>		

For help on a particular field click on the Field Tag to take you to the help area.

[site map](#) | [privacy](#) | [about this site](#) | [contact us](#) | [translate](#) | [delaware.gov](#)

